

REMARKS

Initially, Applicants would like to thank Examiner Venkat for the helpful and courteous Interview conducted January 15, 2009, in this case in which the pending section 112 rejection and PCT patent application publication nos. WO 03/105789 and WO 03/013447 were discussed.

Claim 74 has been amended by incorporating subject matter of claim 77 into it.

Claims 77, 89, 101, 113, 125 and 137 have been canceled.

New claims 154-160 have been added, support for which exists, *inter alia*, at page 44, par. [0119] and page 64, par. [0197].

The remaining claims have been amended to conform to amended claim 74 as appropriate.

Claims 74, 75, 78, 79, 81, 83, 85, 87, 88, 90, 91, 93, 94, 96, 98, 99, 102, 103, 105, 107, 109, 111, 112, 114, 115, 117, 118, 120, 122, 123, 126, 127, 129, 131, 133, 135, 136, 138, 139, 141, 142, 144 and 146-160 are currently pending.

The Office Action rejected the pending claims as containing new matter and, thus, not satisfying the written description requirement of 35 U.S.C. § 112, first paragraph, asserting that the claimed polymers are not described in the present specification. In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

The claimed polymers are specified silicone/amide copolymers. The claimed copolymers are preferred copolymers disclosed in the present specification. For example, the claimed copolymers correspond to formula III (page 20), in which DP (degree of

polymerization) or $m = 1-700$, $n = 1$ to 500, X is a linear or branched chain alkylene having 1-30 carbons, and Y is selected from the group consisting of linear or branched chain alkylenes having 1-40 carbons, (see, page 22, par. [0051]), and R^1 , R^2 , R^3 and R^4 are the same or different and may be selected from the group consisting of methyl, ethyl, propyl, isopropyl, a siloxane chain, and phenyl. (See, pages 23-24, par. [0055]). Thus, the claimed copolymers of the pending independent claims are described in the present application. In fact, allowed claims in U.S. patent 6,958,155 contain a similar description of the polymers in question based on a similar description in the specification.

Regarding the specified copolymers of claims 149-153, these copolymers are the preferred copolymers of the present application (see, for examples, 35-36), and cover such polymers having different degree of polymerization (DP). (See, for example, examples 31-34 (DP 100), example 21 (DP 45) and example 7 (DP 15). The Office Action asserted that Applicants' reference to nylon 611/dimethicone in these claims constituted new matter. This is not the case. Nylon 611/dimethicone is the INCI name now commonly associated with the elected type of polymer (at the time of U.S. patent 5,981,680, the INCI name did not exist). To help further explain/demonstrate that the elected polymer is nylon 611/dimethicone, Applicants submit herewith a Rule 132 declaration. (See, Tab 1). As is clear from the Rule 132 declaration, the Dow Corning/U.S. patent 5,981,680 polymers in question are nylon 611/dimethicone copolymers. The variation of polymers discussed in the declaration result from degree of polymerization (DP), not the structure of the polymer *per se* -- all of the polymers are nylon 611/dimethicone polymers. In fact, allowed claims in U.S. patent 6,916,464 contain this same description of the polymers in question.

In view of the above, Applicants respectfully submit that the claimed copolymers are sufficiently described in the present application to satisfy the written description requirement of 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Finally, during the Interview, the Examiner raised PCT patent application publication nos. WO 03/105789 ("PCT '789") and WO 03/013447 ("PCT '447"), asserting that these references might potentially constitute relevant prior art. In response to this assertion, Applicants have the following comments.

PCT '789 corresponds to one of the parent applications from which the present application claims priority (U.S. patent application 10/166,762, filed June 12, 2002) – see page 1, par. [0001], line 8. Thus, PCT '789 cannot constitute prior art to the present application.

PCT '447 was filed August 6, 2002. In contrast, the present application is a continuation-in-part application claiming priority from several applications including eight separate applications filed in June 2002. Thus, PCT '447 is not prior art at least with respect to the subject matter disclosed in the eight priority applications filed in June 2002. Rather, the only portion of PCT '447 which theoretically could constitute antedateable prior art would be the subject matter disclosed in the parent provisional application filed in August 2001. A copy of the parent provisional application is attached at Tab 2.

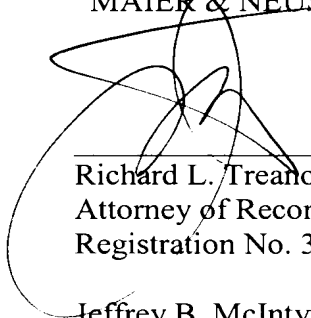
In an attempt to simplify priority issues, Applicants have amended the claims to require the presence of both a silicone-polyamide copolymer and a silicone film forming resin (particularly MQ resin or trimethylsiloxysilicate). PCT '447's provisional priority

application does not teach or suggest this combination. In contrast, at least one June 2002 parent application of the present application teaches this combination. (U.S. patent application serial no. 10/166,755). Accordingly, PCT '447 does not constitute relevant prior art to the claims as amended.

Applicants believe that the present application is in condition for allowance.
Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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